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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,782	02/09/2001	Stewart Correll	099763/00001	7963

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Kevin M. Curran
Kramer Levin Naftalis & Frankel LLP
919 Third Avenue
New York, NY 10022

EXAMINER	
WILLIAMS, THOMAS J	

ART UNIT	PAPER NUMBER
3683	

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/780,782	CORRELL, STEWART	
	Examiner	Art Unit	
	Thomas J. Williams	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 September 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) *33-40* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5,6,8-11,13-15,19,21-24 and 28-32* is/are rejected.

7)☒ Claim(s) *2-4,7,12,16-18,20 and 25-27* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Acknowledgement is made in the receipt of amendment A filed September 9, 2002.

2. The papers filed on ***September 9, 2002*** (certificate of mailing dated ***August 30, 2002***) have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States Postal Service irradiation process. The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

COPY OF PAPERS
ORIGINALLY FILED

If applicant wants to review the accuracy of the Office's copy of such papers, applicant may either inspect the application (37 CFR 1.14(d)) or may request a copy of the Office's records of such papers (*i.e.*, a copy of the copy made by the Office) from the Office of Public Records for the fee specified in 37 CFR 1.19(b)(4). Please do **not** call the Technology Center's Customer Service Center to inquiry about the completeness or accuracy of Office's copy of the above-identified papers, as the Technology Center's Customer Service Center will **not** be able to provide this service.

If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (*i.e.*, the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 6, 8-11, 13-15, 19, 21-24 and 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by US 716,633 to Hains et al.

Re-claim 1, Hains et al. discloses a shock and vibration absorbing system, comprising: a first plate assembly B attached to a first structure a; a second plate assembly B attached to a second structure a; a plurality of cavernous members C of an elastic material; the first plate and the second plate form a cavity with an initial volume in which the cavernous members are arranged; shock and vibration passing between the structures will reduce the initial volume of the cavity so as to compress the cavernous members; the cavernous members will exert pressure against the first and second plate assemblies so as to absorb the shock and vibration directed inward from a surface or edge of the first and/or second structures.

Re-claim 5, the first plate assembly includes a first surface, the second plate assembly includes a second surface; the cavity is defined by the first surface, the second surface, and at least on side surface, as defined by at least one of the vertical rods; the first plate assembly includes a first plurality of rods a^2, each rod has an attached end attached to the first structure, a free end terminates beyond the second surface, a first brace b is arranged outside the cavity towards the first structure and a second brace a' arranged outside the cavity towards the second structure; the second plate assembly includes a plurality of second rods a^2, each rod has an attached end attached to the second structure, a free end terminates beyond the first surface, a first brace and a second brace are arranged outside the cavity and face the first and second structure respectively; the first surface and the second surface are free to slide in relation to the plurality of rods prior to arrangement of the cavernous members.

Re-claims 6, 10, and 19, the cavernous members will act as a primary positioning system, the members have a first end in contact with the first plate assembly and a second end in contact with the second plate assembly, the members will provide a preloaded resistance against the first plate assembly and the second plate assembly.

Re-claim 8, the first plate assembly is made from metal.

Re-claim 9, Hains et al. discloses that the cavernous members are made from an elastic material, which includes rubber.

Re-claim 11, the cavernous members acting as the primary positioning system are arranged in the cavity.

Re-claim 13, the stacking of the cavernous members is viewed as a shelving system, an outer structure, such as a^2, is connected to the first plate assembly; an inner structure, such as rods a^2 associated with the second plate assembly, are within the outer structure and are connected to the second plate assembly; the inner structure is suspended by the second plate assembly within the outer structure. The terms inner and outer are relative, an inner structure can be any element that faces inwardly with respect to a structure.

Re-claim 14, a cabinet is seen as any structure forming a compartment such as the elements of the first structure and outer structure, the inner structure of Hains can be viewed as a frame.

Re-claim 15, the guide holes through which the rods pass are seen as guide tracks.

Re-claim 21, Hains et al. discloses a method of attenuating shock and vibration between a first structure and a second structure, the method comprising: bringing a first plate assembly and a second plate assembly together to form a cavity having an initial volume; arranging a plurality

of cavernous members of an elastic material in the cavity; uniting the first plate assembly and the first structure; uniting the second plate assembly and the second structure; allowing the shock and vibration to cause the first plate assembly and the second plate assembly to move relative to each other so as to reduce the initial volume of the cavity thus compressing the cavernous members; compressing the cavernous members will exert a pressure against the first plate assembly and the second plate assembly; the method operates to attenuate shocks and vibrations directed inward from a surface or edge of the first and/or second structures.

Re-claim 22, the cavernous members will act as a primary positioning system that will provide a preload resistance against the first and second plate assemblies so as to prevent relative movement between the plate assemblies when experiencing shock and vibrations weaker than the preload resistance. The members are secured to the first and second plate assemblies.

Re-claim 23, the first plate assembly is united to an outer structure, such as a^2, an inner structure, such as a^2, is suspended from the second plate assembly within the outer structure. The terms inner and outer are relative terms, the rods connecting the second structure can be defined as being inner relative to the second structure.

Re-claim 24, the guide holes can be defined as a track system.

Re-claims 28 and 29, Hains et al. discloses a shock and vibration absorbing system, comprising: a first support device or first containment means; a second support device or second containment means movably juxtaposed to the first support device or first containment means, and an elastic member which is a compressible medium; the first support device or containment means and the second support device or containment means forms a cavity having an initial volume in which the elastic member is arranged, movement of the second support device relative

to the first support device causes the cavity to have a compressed volume less than the initial volume; the system operates to absorb shock and vibrations directed inward from a surface or edge of the first and/or second structures (or containment means).

Re-claim 30, the system further comprising; a shock and vibration absorbent shelving assembly comprising: an outer structure connected to the first containment means, an inner structure within the outer structure and connected to the second containment means, wherein the inner structure is suspended by the second containment means within the outer structure.

Re-claim 31, Hains et al. discloses a method of attenuating shock between a first structure and a second structure, the method comprising: forming a cavity having an initial volume by combining a first support device B and a second support device B so that the first support device and the second support device move with respect to each other to reduce the initial volume of the cavity; arranging an elastic member C in the cavity; attaching the first support device B to the first structure a; and attaching the second support device B to the second support structure; the method operates to attenuate shocks and vibrations directed inward from a surface or edge of the first and/or second structures.

Re-claim 32, Hains et al. discloses a method of attenuating shock between a first structure and a second structure, the method comprising: forming a cavity having an initial volume by combining a first containment means B and a second containment means B so that the first containment means and the second containment means move with respect to each other to reduce the initial volume of the cavity; arranging a compressible medium C in the cavity; attaching the first containment means B to the first structure a; and attaching the second containment means B

to the second support structure; the method operates to attenuate shocks and vibrations directed inward from a surface or edge of the first and/or second structures.

Allowable Subject Matter

5. Claims 2-4, 7, 12, 16-18, 20, and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed September 9, 2002 have been fully considered but they are not persuasive. Hains clearly discloses on page 1 line 51 that the device is designed to prevent the transmission of shock from one structure to a second structure. The elastic members C in Hains compress in the same manner as the elastic members 130 in the instant invention, thus attenuating shock from one structure to another structure. The arguments with regard to the downward movement of lower plate B during a downward movement of the first structure are more specific than the claim language. The claims do not recite a single specific direction of vibration attenuation.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

November 4, 2002

JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
11/5/02